

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

[illegible]

**THE CITY OF NEW YORK AND NEW YORK COUNTIES' CONSENTED-TO
MOTION FOR EXTENSION OF TIME TO RESPOND TO MOTION
FOR APPROVAL OF SETTLEMENT**

Plaintiffs, the City of New York and New York Counties, respectfully move with consent from Schering-Plough, Schering, Ven-A-Care of the Florida Keys, and the States of California and Florida (the “Proposed Settlement Parties”) for a one week extension to file their response to the Joint Motion for Approval of the Settlement between California, Florida, and Relator Ven-A-Care of the Florida Keys on Behalf of Itself and the United States and Schering-Plough, Schering and Warrick [Docket No. 6359; Sub-docket No. 351]. In support of this motion, plaintiffs state the following:

1. On August 7, 2009, the Proposed Settlement Parties filed their joint motion for approval

of their proposed settlement. [Docket No. 6359; Sub-docket No. 351].

2. Without an extension, plaintiffs' response to the proposed settlement would be due August 21, 2009.

3. On August 18, 2009, with the consent of the Proposed Settlement Parties, the United States filed a request for an extension of one week to respond to the joint motion for approval of the proposed settlement [Docket No. 6359, Sub-docket No. 351]. *See* Docket No. 6380; Sub-docket No. 366.

4. At the July 24, 2009 status conference, the court granted the State of Massachusetts an August 28, 2009 deadline to file their response to the proposed settlement. *See* July 24, 2009 Status Conference transcript at 22:2-20.

5. An extension to file a response by August 28, 2009, would allow plaintiffs to be in the same posture as the United States and Massachusetts in responding to the proposed settlement.

6. Furthermore, the joint motion for approval of the proposed settlement presents complex legal and factual issues in an accompanying 29-page memorandum and supporting affidavits [Docket Nos. 6359-6363; Sub-docket Nos. 354-357] to which plaintiffs intend to respond.

7. Each of the Proposed Settlement Parties has consented to plaintiffs' request for an extension to respond to the joint motion for approval of the proposed settlement.

For the foregoing reasons, plaintiffs respectfully request that this motion be granted. A proposed order is attached hereto.

Dated: August 19, 2009

Respectfully submitted,

**City of New York and New York Counties in
MDL 1456 except Nassau and Orange by**

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Certification Pursuant to Local Rule 7.1

The undersigned counsel certifies pursuant to Local Rule 7.1(a)(2) that she conferred with counsel for the Proposed Settlement Parties and that those parties consent to this motion.

Dated: August 19, 2009

/s/ Kathryn B. Allen
Kathryn B. Allen

CERTIFICATE OF SERVICE

I, Kathryn B. Allen, hereby certify that I caused a true and correct copy of the foregoing City of New York and New York Counties' Consented-To Motion for Extension of Time to Respond to Motion for Approval of Settlement to be served on counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: August 19, 2009

/s/ Kathryn B. Allen
Kathryn B. Allen

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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[PROPOSED] ORDER

IT IS HEREBY ORDERED THAT the City of New York and New York Counties shall be granted a one-week extension to file a response to the Joint Motion for Approval of the Settlement Between California, Florida, and Relator Ven-A-Care of the Florida Keys on Behalf of Itself and the United States and Schering-Plough, Schering and Warrick.

Dated: August ___, 2009

Hon. Patti B. Saris
United States District Court Judge